

**REMARKS**

The Office Action of February 22, 2008 has been carefully considered.

It is noted that claims 1, 2, 14 and 16 are rejected under 35 U.S.C. 103(a) over the patent to Hummert, et al. in view of the patent to Hamada.

Claims 3-7, 9, 11-13 and 15 are rejected under 35 U.S.C. 103(a) over Hummert, et al. in view of Hamada, and further in view of an article by Rini.

Claims 8 and 10 are rejected under 35 U.S.C. 103(a) over Hummert, et al. in view of Hamada and Rini and further in view of Examiner's Official Notice.

In view of the Examiner's rejections of the claims applicant has amended claims 1, 3 and 16.

It is respectfully submitted that the claims now on file differ essentially and in an unobvious, highly advantageous manner from the methods and constructions disclosed in the references.

Turning now to the references, and particularly to the patent to Hummert, et al., it can be seen that this patent discloses a monitoring system for an elevator installation. As acknowledged by the Examiner, Hummert, et al. do not teach a method which

transmits a protocol with respect to the installation capacity utilization to a customer separate from the maintenance center. Furthermore, Hummert, et al. do not disclose or teach that the protocol contains a total number of and reasons for faults in the elevator or escalator installation.

The patent to Hamada discloses a support system for a maintenance contract of an elevator.

The Examiner combined these references in determining that claims 1, 2, 14 and 16 would be unpatentable over such a combination. Applicant respectfully submits that a combination of these references does not teach the presently claimed invention.

Hamada presents various maintenance plans to the customer (see Fig. 8 and the associated discussion at column 6, lines 10-34). All of these maintenance plans are based on a predicted failure occurrence frequency of specific parts. There is no teaching by Hamada, Hummert, et al. or a combination of Hamada and Hummert, et al. of a method in which a protocol that includes a total number of and reasons for faults in the elevator or escalator installation is transmitted with respect to the installation capacity utilization to a customer separate from a maintenance center, as in the presently claimed invention.

An example of an advantage of including the total number of and reasons for faults in protocol is discussed in paragraph [0055] over the original application as

follows: "For example, frequent door faults occur, which has a disadvantageous influence on the availability of the elevator installation and is picked up by an appropriate threshold value of "number of door faults per week" and is communicated to the customer in the protocol. An offer for door modernization for elimination of these door faults is, for example, presented to the customer in the case of repetition of these door faults." Additionally, the invention provides the benefit of billing the customer only for services actually used and desired in an accounting period.

In view of these considerations, it is respectfully submitted that the rejection of claims 1, 2, 14 and 16 under 35 U.S.C. 130(a) over a combination of the above-discussed references is overcome and should be withdrawn.

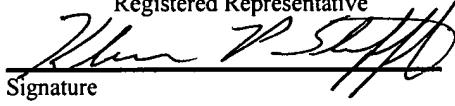
Rini discusses, generally, electronic billing. The Examiner combined the teachings of this reference with Hummert, et al. and Hamada in determining that claims 3-7, 9, 11-13 and 15 would be unpatentable over such a combination. Although Rini broadly teaches generating an invoice or billing statement, there is no teaching by Rini of transmitting a protocol that includes a total number of and reasons for faults in an elevator or escalator installation as recited in the claims presently on file. Since a combination of Hummert, et al. and Hamada, as discussed previously, does not teach this feature, the addition of Rini to this combination adds nothing more than the capability of generating a billing statement. The combination of these three references in no way suggests transmitting a protocol as recited in the claims presently on file.

In view of these considerations it is respectfully submitted that the rejection of claims 3-7, 9, 11-13 and 15 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

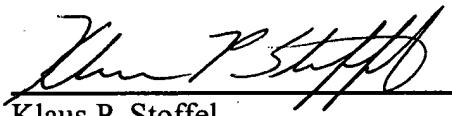
As to the rejection of claims 8 and 10 under 35 U.S.C. 103(a), these claims share the presumably allowable features of claim 1 and therefore it is submitted that the rejection of these claims is also overcome and should be withdrawn for the reasons given above in connection with claim 1.

Reconsideration and allowance of the present application are respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on July 22, 2008:

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Name of applicant, assignee or  
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Signature  
July 22, 2008  
Date of Signature

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